

DETAILED ACTION

This action is responsive to communication filed on 7/10/2008.

Response to Amendment

The examiner acknowledges the amendment of claims 25 and the addition of claim 26..

Response to Arguments

Applicant's arguments filed 7/10/2008 have been fully considered but they are not persuasive 7/10/2008.

Applicant argues that the examiner's statement that the first and second alternating quantity is influence by a measured quantity and the statement that the reference of Carrender et al. is silent on teaching the device is configured to measure a measured quantity are inconsistent with each other. It is the examiner's position that the reference of Carrender et al. teaches splitting the received signal into a first and second frequency (alternating quantity) (col. 4 lines 44-52).and the examiner considers frequency to be a measured quantity because it has a unit of measurement.

Applicant argues on pages 8-9 that the RFID system of Carrender et al. is solely interested in locating, identifying, and tracking an asset with a tag but does not relate to measuring a quantity such as temperature. It is the examiner's position that the reference of Carrender et al. teaches a RFID system and reference of Watters is relied upon for teaching the use of a RFID system for measuring a measured quantity such as temperature (col. 5 lines 46-65, col. 6 lines 7-16). It is also the examiner's position that the use of a RFID as disclosed by Watters is used for tracking and measuring a measured quantity such as temperature (col. 2 lines 49-60). The motivation for combining the references of Carrender et al. and Watters is therefore

provided by the reference of Watters by disclosing a RFID system that is used for tracking and measuring a measured quantity.

Regarding applicant argument regarding the newly added claim 26, the reference of Starkey is relied upon for teaching the use of a plurality of filters configured to separately and differently influence the first and second alternating quantity.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrender et al. US Patent 6745008 in view of Watters et al. US Patent 6806808.

Regarding claim 12, Carrender teaches a transponder converting ambient energy into energy for powering the transponder and the tag reflecting the received energy (col. 4 lines 22-33). Carrender teaches splitting the received signal into a first and second alternating quantity (first and second frequency) used for modulating the data stored in the tag (col. 4 lines 44-52). Carrender teaches the first and second alternating quantity is influence by a measured quantity of

the frequency generated by the frequency generators (col. 5 lines 16-20). Carrender et al. is silent on teaching the device is configured to measure a measured quantity. Watters in an analogous art teaches a transponder configured to measure a quantity such as temperature and generating a frequency influence by the measure quantity (col. 5 lines 46-65, col. 6 lines 7-16).

It would have been obvious to one of ordinary skill in the art to modify the system of Carrender et al. as disclosed by Watters because wireless devices such as transponder associated with sensors are used to monitor and record physical events and further report the occurrence of an event to an interrogator.

Regarding claim 13, Carrender teaches the reflector is a reflector for electromagnetic energy (col. 4 lines 29-32).

Regarding claim 14, Carrender teaches the use of high frequency signal (col. 2 lines 1-5).

Regarding claim 15, Carrender teaches an antenna 80 is connected to a converter 88 (figure 6).

Regarding claim 16, Carrender et al. teaches backscattering the response (col. 4 lines 22-33).

Regarding claim 23, Carrender teaches a first and second generator (68, 70, 72) for generating an alternating quantity (col. 5 lines 12-20).

Regarding claim 17, Carrender et al. is silent on teaching the device is configured to measure a measured quantity. Watters in an analogous art teaches a transponder configured to measure a quantity such as temperature (col. 5 lines 46-65, col. 6 lines 7-16).

It would have been obvious to one of ordinary skill in the art to modify the system of Carrender et al. as disclosed by Watters because wireless devices such as transponder associated with sensors that are used to monitor and record physical event and further report the occurrence of an event to an interrogator.

Regarding claims 18-20, Carrender is silent on teaching the converter converts the ambient energy into alternating energy in the dependence on a measured quantity. Watters in an analogous art teaches a transponder configured to measure a quantity such as temperature (col. 5 lines 46-65, col. 6 lines 7-16) and teaches converting a measured quantity such as temperature into an alternating quantity such as frequency (col. 9 lines 31-col. 10 line 16).

It would have been obvious to one of ordinary skill in the art to modify the system of Carrender et al. as disclosed by Watters because wireless devices such as transponder associated with sensors that are used to monitor and record physical event and further report the occurrence of an event to an interrogator.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carrender et al. US Patent 6745008 in view of Watters et al. US Patent 6806808 and further in view of Starkey US Patent 6417766.

Regarding claim 26, Carrender teaches a transponder converting ambient energy into energy for powering the transponder and the tag reflecting the received energy (col. 4 lines 22-27). Carrender teaches splitting the received signal into a first and second alternating quantity (first and second frequency) used for modulating the data stored in the tag (col. 4 lines 44-52). Carrender is silent on teaching a first filter for splitting the original alternating quantity into a

first alternating quantity and second filter for splitting the original alternating quantity into a second alternating quantity and using the first and second alternating quantity to modulate a first and second reflector.. Starkey in an art related radio frequency device teaches obtaining a first and second alternating quantity from the original alternating quantity using a first and second filter (figure 6, col. 6 lines 6-25) in order to recover a signal at a desired frequency.

It would have been obvious to one of ordinary skill in the art to modify the system of Carrender et al. as disclosed by Starkey because a filter is conventional used to pass a desired frequency and block out unwanted frequencies in order to produce a desired alternating quantity.

Allowable Subject Matter

Claims 24-25 are allowed.

Regarding claims 24-25, the prior art of record fail to teach or suggest splitting an alternating quantity into a first and second quantity and using the first and second alternating quantity to modulate a first and second reflector.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VERNAL U. BROWN whose telephone number is (571)272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vernal U Brown/
Examiner, Art Unit 2612
October 10, 2008

/Brian A Zimmerman/
Supervisory Patent Examiner, Art Unit 2612